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March 18, 2013

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: American Cable Association (“ACA”) *Ex Parte*; Modernizing the Form 477 Data Program, WC Docket No. 11-10; Development of Nationwide Broadband Data, WC Docket No. 07-38; Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket No. 08-190; and Review of Wireline Competition Bureau Data Practices, WC Docket No. 10-132

Dear Ms. Dortch:

On Thursday, March 14, 2013, James Penney (Wave Broadband), Patrick Deville (Buckeye CableSystem), Susan Daniel and Kevin Daniel (Horizon Cable), Ross Lieberman (ACA), and the undersigned, Thomas Cohen and Joshua Guyan (Kelley Drye & Warren LLP), met with the following staff: Steve Rosenberg, Travis Litman, Jamie Susskind, Rodger Woock, Chelsea Fallon, Lisa Gelb (via phone), and Ken Lynch (Wireline Competition Bureau); and Michael Janson (Wireless Telecommunications Bureau). The purpose of the meeting was to discuss the Commission’s Notice of Proposed Rulemaking in the above-referenced dockets regarding data collection on the FCC Form 477. In this proceeding, the Commission is considering proposals to amend and expand the collection of the subscription (adoption) and availability (deployment) data it collects.

In the meeting the three ACA members described their experiences complying with the current FCC Form 477 data collection processes, where data is submitted using their billing records and where subscribers are tracked by census tracts. The members explained that most ACA members fill out the form manually or in conjunction with an outside vendor. They explained that the smallest operators can often fill out the form manually because their network footprint covers only at most a few census tracts. These members further noted that some billing vendors may be developing the ability to geocode billing data, which would facilitate submission of data by census block. However,

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the cost to obtain this level of service from these billing vendors can be expensive, and for the smallest operators prohibitively so.

As for submission of availability data, these ACA members have participated in the mapping process to date and discussed their experience submitting data and information to the state entities responsible for populating the National Broadband Map. They explained that many smaller operators do not provide the state entities with data on the census block level, but instead provide address information, and the state entities convert the data into census blocks. These ACA members expressed concern that if the Commission took over the process, it could not provide the same level of service to smaller operators as the state entities. Because the current process is voluntary and the Form 477 process is mandatory, they asked that the Commission provide them with sufficient notice and opportunity to comment on the specific data that will be collected.

The ACA members would be in favor of the Commission developing a client-side application that would allow the operators to avoid these added costs. However, it is not yet clear what data must be provided to the application and in what format. The ACA members expressed concern that working with the application could be complicated and time consuming, especially for smaller operators without employees knowledgeable in using client-side applications. Therefore, they asked that they be able to participate in the process of developing the application and evaluate it and the revised Form 477 prior to the imposition of new obligations. They also urged the Commission to consider initially giving smaller providers additional time to submit more granular broadband data. By providing this additional time, at least for the first few submissions, the Commission also would enable its staff to focus first on working with larger operators who would be providing large amounts of data and then on dealing with smaller operators who would be providing small amounts of data.

The staff and ACA members also discussed the collection of pricing data, and the ACA members stated that there can often be a wide disparity between the advertised or list rates for broadband service and what customers actually pay due to bundling and promotions.

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This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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